

Texas Workforce Commission

A Member of Texas Workforce Solutions

Tom Pauken, Chairman

Ronald G. Congleton
Commissioner Representing
Labor

Andres Alcantar
Commissioner Representing
the Public

Larry E. Temple
Executive Director

February 17, 2011

Ms. Janet Sten
Federal Coordinator for Plan Review and Approval
Division of Workforce System Support
Employment and Training Administration
U.S. Department of Labor
200 Constitution Ave., NW, Room S-4231
Washington, DC 20210



Dear Ms. Sten:

On behalf of the Texas Workforce Commission (TWC), the state's operational entity for the Title I Workforce Investment Act, I respectfully request a one-year extension of Texas's current *State Workforce Investment Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act* (Plan) for the period ending June 30, 2012, in accordance with Training and Employment Guidance Letter (TEGL) No. 17-10, Instructions for Submitting Workforce Investment Act and Wagner-Peyser Act State Plans and Waiver Requests for Program Year 2011, issued December 30, 2010.

Additionally, I am requesting an extension to continue previously granted waivers through June 30, 2012. In accordance TEGL 17-10, a summary of the applicable waivers is included with this request. TWC has reviewed each waiver and determined that it supports the State's strategies as outlined in the existing Plan and matches the needs of its workforce system.

These requests are made to enable TWC to meet Texas's current workforce needs effectively.

Your consideration in granting the waiver continuations and one-year extension of Texas's Plan would be much appreciated.

If you have any questions, please contact Reagan Miller at (512) 936-3563.

Sincerely,



Larry E. Temple
Executive Director

Enclosure

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cc: Joseph C. Juarez, Regional Administrator, U.S. Department of Labor
H. E. (Gene) Crump, Jr., Deputy Executive Director, TWC

TEXAS'S ABBREVIATED WAIVER REQUESTS FOR PROGRAM YEAR 2011

Common Measures and Integrated Performance Waiver

This waiver was approved by the Department of Labor Employment and Training Administration (DOLETA) on July 1, 2006, and permits the TWC to replace the original 17 WIA performance measures set forth in WIA §136(b) with the six Common Measures.

This waiver limits duplication of overwhelming data reporting requirements, allows TWC to promote integration, improve consistency and reliability of data, and foster greater flexibility when contracting performance measures with the 28 Local Workforce Development Boards (Boards).

This waiver has resulted in streamlined performance reporting of the Common Measures, further simplifying service delivery as well as collection, reporting, and validation at the local level.

Transferring Funds between Adult and Dislocated Worker Programs Waiver

This waiver was approved by DOLETA on January 3, 2003, modified on June 29, 2010, and permits TWC to approve transfer amounts of up to 50 percent of local workforce development area (workforce area) allocations between adult and dislocated worker funding streams, as requested by Boards.

The waiver provides flexibility that allows Boards to better respond to changes within their workforce areas and use limited funds in the most effective way.

Reallocation of Recaptured WIA Funds Waiver

This waiver was approved by DOLETA on November 17, 2010, and permits TWC to reallocate recaptured funds according to state-developed criteria.

Under the waiver, TWC, at its discretion, may consider additional factors such as:

- The amount available for redistribution;
- The amount requested by a local Board;
- A demonstrated need for and ability to use additional funds to serve low-income individuals, public assistance recipients, dislocated workers, and unemployment insurance claimants;
- A demonstrated capacity to effectively expend funds to address the need for services in the workforce area;
- A Board's established plan for working with at least one of the Governor's industry clusters as specified in the Boards' plan; and
- A workforce area's performance during the current and prior performance years.

The waiver allows the State to ensure that available funding is expended to provide assistance to WIA-eligible participants including low-income individuals, recipients of public assistance, dislocated workers, and UI claimants; and maximize the impact of limited available funds by targeting workforce areas that have the greatest need.

Contracting for Board Performance Measures Waiver

This waiver was approved by DOLETA on July 1, 2005, and permits TWC to develop methodologies that allow greater flexibility in contracting Board performance measures.

This waiver provides TWC with flexibility to select which performance measures Boards are expected to meet. TWC continues to track and report the nine reportable WIA Common Measures at the state and Board levels. However, TWC may choose to focus on a subset of these measures along with integrated Board-contracted measures that the agency has developed as the primary local performance measures.

Extension of Certification Period for Currently Certified Training Programs Waiver

This waiver was approved by DOLETA on January 3, 2003 and permits TWC to extend the period of eligibility for training programs currently certified under the WIA Eligible Training Provider System (ETPS).

This waiver allows TWC to extend the period of initial eligibility for training providers. This waiver has resulted in eligibility requirements being less burdensome and has allowed for an increase of the numbers of eligible training providers.

Employer Reimbursement for On-the-Job Training Waiver

This waiver was approved by DOLETA on November 17, 2010, effective October 1, 2010, and permits TWC to increase employer reimbursement for on-the-job training (OJT) through a sliding scale based on the size of the employer's business.

Under the waiver, TWC may provide a reimbursement amount of up to 75 percent for employers with 250 or fewer employees. The current statutory requirement of a 50 percent reimbursement rate will continue to apply to employers with more than 250 employees. TWC provides OJT to low-income adults with WIA adult funds and to dislocated workers using WIA dislocated worker funds.

This waiver allows Boards to maximize flexibility and provide assistance to WIA-eligible participants including low-income individuals, recipients of public assistance, dislocated workers, and UI claimants; and maximize the impact of limited available funds.

Rapid Response/Incumbent Worker Training Waiver

This waiver was approved by DOLETA on July 20, 2005, modified on June 29, 2010, and permits TWC to use up to 20 percent of rapid response funds for incumbent worker training only as part of a layoff aversion strategy. All training delivered under this waiver is restricted to skill attainment activities.

This waiver allows Boards the flexibility necessary to provide assistance to WIA-eligible participants including low-income individuals, recipients of public assistance, dislocated workers, and UI claimants; and maximize the impact of limited available funds.

WIA Formula Funds Used as Local Activity Funds Waiver

This waiver was approved by DOLETA on August 19, 2003, modified on June 29, 2010, and permits TWC to allow Boards to designate up to 10 percent of WIA dislocated worker funds and up to 10 percent of WIA adult funds as local activity funds to use for incumbent worker training only as part of a layoff aversion strategy. Use of WIA adult funds must be restricted to serving low-income adults under this waiver.

WIA formula funds have very restricted uses, while WIA statewide activity funds provide for greater flexibility. This waiver allows WIA formula funds to be designated as local activity funds with flexibility similar to that of WIA statewide activity funds.

Older and Out-of-School Youth Use of Eligibility Training Provider List Waiver

This waiver was approved by DOLETA on January 3, 2003, and permits TWC to give Boards the option of using ETPS to secure training providers for older and out-of-school youth through the use of Individual Training Accounts (ITAs).

Allowing older and out-of-school youth to use ITAs has resulted in access to preferred training providers through ETPS and a more timely provision of training services to older and out-of-school youth, which streamlines services and increases local flexibility.